IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22446 of 2007(V)

PETITIONERS:

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1. TISSAN J.THACHANKARY,
   THACHANKARY HOUSE, CHAKOLAS HABITAT-12B,
   THEVARA, COCHIN-13.

2. MIMI TISSAN THACHANKARY,
   THACHANKARY HOUSE, CHAKOLAS HABITAT-12B,
   THEVARA, COCHIN-13.

3. THANKAMMA JOSEPH,
   THACHANKARY HOUSE, CHAKOLAS HABITAT-12B,
   THEVARA, COCHIN-13.

BY ADV. SRI.TONY GEORGE KANNANTHANAM
SRI.THOMAS GEORGE

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
   GOVT. SECRETARIAT, TRIVANDRUM.

2. DISTRICT COLLECTOR, IDUKKI.

3. THE REVENUE DIVISIONS OFFICER,
   DEVICOLAM.

4. THE TAHSILDAR,
   UDUMBANCHOLA, IDUKKI DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007 , THE COURT ON 20/07/2007 DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 22446 OF 2007

DATED THIS THE 20th DAY OF JULY, 2007

JUDGMENT

Against Ext.P8 order cancelling the 'patta' issued to the petitioners, the petitioners have filed Ext.P9 appeal along with Ext.P10 stay petition before the Appellate Authority namely, the District Collector, Idukki. The petitioners' complaint is that the Appellate Authority is not passing orders on the stay petition and in the meanwhile the 4th respondent is taking coercive proceedings pursuant to the order impugned in the appeal. Therefore, the petitioners seek stay of further proceedings pursuant to Ext.P8 till disposal of the appeal.

2. I have heard the learned Government pleader. The learned Government pleader opposes the application. After hearing both sides, I fee that it is only in the interest of justice that the Appellate Authority considers the stay petition expeditiously.

3. Accordingly, I direct the 2nd respondent to consider the stay petition as expeditiously as possible. Till orders are passed on the stay petition, the petitioner shall not be evicted from the property in question. In case, the order is adverse to the petitioner, the petitioner

shall be given four days time to seek appropriate remedies against the same before enforcing eviction.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd